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JPRS L/8905

6 February 1980

# Worldwide Report

LAW OF THE SEA

(FOUO 1/80)



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WORLDWIDE REPORT

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WORLDWIDE AFFAIRS

FRENCH CLAIM OVER MALAGASY ISLANDS DISPUTED

Paris JEUNE AFRIQUE in French 19 Dec 79 pp 85-86

[Article by Sennen Andriarimado; passages enclosed in slantlines printed in italics.]

[Text] After a quiet legal battle over the past 6 years, Madagascar seems to be winning over France. On 30 November 1979 in New York, the Special Political Commission of the UN Assembly adopted a resolution inviting /"The French government to begin, without delay, negotiations with the Malagasy government for the reintegration of the Glorieuses, Juan de Nuova, Europa and Bassas da India Islands arbitrarily separated from Madagascar."/

The resolution was approved by 64 countries, opposed by 6: France obviously approved, followed by Belgium, the United States, Italy, the United Kingdom and Senegal as the only African country. Thirty-four other countries abstained from voting, while 37 were not present to vote. It shows what little interest had been generated by the debate, probably because the legal battle between Madagascar and France over these islets, lost in the Indian Ocean, appears trivial to many countries. Yet, this confrontation could well be the forerunner of future conflicts.

It all began in 1973 when the Malagasy government represented by its minister of foreign affairs, Didier Ratsiraka (who is now chief of state), denounced the cooperation agreements signed with France in 1960. Didier Ratsiraka, a navy officer, deemed himself honor-bound to demand the restitution of the Mozambique Channel and Indian Ocean states which, under colonial rule, had been dependent on the colonial administration of Madagascar. The present president told us later: /"Under colonial rule, these islands were included in what was called Madagascar and its dependencies. When Madagascar became independent, its dependencies did not because France decided to link Europa, Bassas da India, Juan de Nuova and Glorieuses to the Reunion administration, when it realized independence was ineluctable."/

On the French side, historical arguments taken from the precolonial era were aired once again. According to France, these islands had been deserted until 1892--4 years before the colonization of Madagascar--and under the law

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prevailing at the time, the first settlers were the "proprietors." In this case, it was the French. It has also been argued that these oceanic lands had always escaped the administration of the Malagasy monarchy (abolished in 1896 when France annexed Madagascar).

Malagasy leaders always contested the use of the takeover, before full colonization, as an argument. Long before 1892, Malagasy fishermen had used all these islets as ports of call and shelters. Furthermore, other Malagasy islands, entire regions even, had been under French administration prior to the 1896 proclamation of annexation.

This was the case of Sainte Marie Island (now once again known as Nosy Boraba). In 1750, Princess Bety had given it to her French husband, Corporal Jean Onesime Filet--known as La Bigorne--who in turn lost no time in giving it to France. It is also true of Nosy Be Island which a local princess, Tsiomeko, gave to France in 1831. It also applies to the vast northwest regions which Prince Andriantsoly gave to France--moreover, history recorded that it was that very same Andriantsoly who, having become king of the Comorian island of Mayotte, gave it to France.

Even then, France's pretensions had been the source of the first French-Malagasy war of 1883-1885. Ten years later, a second war, easily won by a French expeditionary corps, was to sanction the colonization.

At the time of the independence in 1960, France did not pretend to have rights over the territories it had occupied and administered before the annexation law.

From 1973 to 1979, the controversy over the rock of the Mozambique Channel remained in the background of the intense relationship between Madagascar and France. This is so true that, during important events--such as the meeting of the Joint French-Malagasy Commission in Antananarivo in November 1977 and the Didier Ratsiraka/Valery Giscard d'Estaing discussion in September 1978--both sides agreed not to mention the conflict. However, through indirect channels the issue was always raised during international meetings.

In July 1978, during the OAU summit meeting in Khartoum, Madagascar--through carelessness in preparing its documents--did not succeed in gaining the support of that African organization. In July 1979 in Monrovia, Africa gave that support.

Politics are actually behind this legal battle. Motives are less a matter of sovereignty or touchiness than of strategy and economy.

Since the closing of the Suez Canal in 1967, the Ocean Indian has become once again the ideal sea route for supplying the West in petroleum and other raw materials. The reopening of the Canal in 1976 did not change the situation: since then, the big tankers have continued to use the Indian Ocean to carry 75 percent of the petroleum from the Arabian coastline to Europe and the Americas.

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Surveillance of this maritime crossroad induced the United States to set up a local military base in the Island of Diego Garcia, a dependency of Mauritius; however, it had been purchased from the British by the Americans before the Mauritian independence. This base will be operational in 1981 and will serve as home port to two vessels, the Tripoli and the Taranawa, each capable of carrying 1,800 men. As for France, it was already present with a military base in Reunion, an elite troop in Mayotte and a base of operation in Djibouti. There are symbolic installations on the islets claimed by Madagascar: some 30 legionnaires travel between Juan de Nuova and Europa where a sea-turtle breeding farm was established. In short, nothing too conspicuous, nothing really justifying the accusations of frantic militarization locally brought against France.

This is because the rocks in question are desirable for reasons other than military. A French politician, one of the best versed on that issue, told us: /"These islets have no strategic interest. France has enough troops and bases in the region. If you want to understand what is going on in this battle, turn your attention to the new maritime law and focus on the year 2000."/ What does this mean?

First, under the new concepts introduced in maritime law, Madagascar is literally encircled by France and separated from Africa by that very France. According to that law, a country has almost total supremacy of the sea over a radius of 200 nautical miles (360 km) from its coastline. Thus, if French "rights" are maintained, the whole Mozambique Channel through which are strung out Europa, Bassas da India and Juan de Nuova, will be "French" as well as the periphery of the Glorieuses Islands at the northern tip of Madagascar and, obviously, the whole maritime area around La Reunion. France would thus have inspection rights over all ships passing in the southern part of the Indian Ocean. This would confirm its role as a leading power in that area.

Secondly, that the future of humanity rests with the ocean has not yet been fully understood. Ranking behind the Pacific Ocean, the Indian Ocean is said to contain the most maritime ores of all the oceans of the world: the discovery of polymetallic nodules of exceptional content off the shores of La Reunion Island last October could only serve to confirm this fact. Modern technology will soon be able to extract from these nodules most of the raw materials to be needed by the world: copper, zinc, tin, even manganese, and chromium, if not bauxite. It seems that they abound in the Indian Ocean.

To make matters clear, it means that, when techniques of extraction have been perfected in the year 2000, the power which controls the sea beds of the Indian Ocean will be much more sought after (or feared) than today's oil countries. It is in this context that the legal battle between France and Madagascar over a few rocks acquires meaning. Whichever one of the two countries gains sovereignty over these islets will control and administer one of the world's greatest wealth. Bassa da India or Europa are not important in themselves. On the other hand, the maritime zone surrounding them is a future reserve of inexhaustible wealth and, therefore, of power.

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WORLDWIDE AFFAIRS

NORTH-SOUTH DIALOG ON MARITIME ISSUES SCHEDULED

Paris MARCHES TROPICAUX ET MEDITERRANNEENS 23 Nov 79 p 3258

[Text] The 4th international exhibit and conference on the development of the oceans--Oceanexpo--together with the first world exhibit and conference of developing countries concerned with seas, rivers, lakes and lagoons--Ocean-tropics--will be held from 4 to 8 March 1980 in Bordeaux. This new aspect of Oceanexpo should prove to be of great interest to developing countries. Organizers presented the main elements of Oceanexpo on 8 November in Paris, in the presence of Adrien Senghor, the state minister of Senegal, who is in charge of equipment. He represented Leopold Senghor, president of Senegal, and Lamine Fakida, minister of the merchant marine for Ivory Coast and speaker for "Group 77" on maritime questions.

Besides the exhibit, the success of which will depend entirely on the number and diversity of participants, the program for the 5 days of conference display very well the concerns of Oceanexpo's sponsors. Presided over by Claude Cheysson, member of the Commission of European Community, 4 days will be devoted to the exposition of views by developing countries. March 4 will be devoted to the 57 African, Caribbean and Pacific countries (ACP) 5 March will be devoted to Arab countries, the ocean and the sea; 6 March to Latin America, the ocean and the sea; and 7 March to Southeast Asian countries, the ocean and the sea.

The fifth day will be organized by the "Club of Dakar" on the theme of maritime cooperation; what developing countries expect from industrialized countries and vice versa.

Sponsors have publicized the support they obtained for Oceanotropics not only from the EEC but also from numerous international organizations. They intend to turn Oceanotropics into a platform for dialog and meetings, and confirm the importance of Oceanexpo.

It is with this in mind that the general director Francois Algoud, sent a pressing appeal to industrialists to attend the conference next March. Economic partners of developing countries will participate in the conference.

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There will be stands generally oriented toward maritime, harbor, fishing and aquacultural problems. There will also be some describing naval construction, offshore exploitation and of course pollution.

During the information session on 8 November, various personalities appeared to focus attention on the interest of Oceanotropics and Oceanexpo and attempted to develop a philosophy from them. Adrien Senghor insisted on the fact that maritime transportation contributes a determinant element for development in many countries. Lamine Fakida illustrated this same idea in a highly argumentative speech which was listened to with rapt attention.

The Ivory Coast minister of the merchant marine suggested that the most significant event of the century is the new order of the sea. This new order is inspired at the same time by crisis and tendency to increasingly globalize the planet. In this environment Third World nations consider as an imperative of their development what president Felix Houphouet-Boigny called the "equitable redistribution of the world maritime maps." Lamine Fakida recalled the reasons of this ambition, among which are the powerful effect of maritime traffic on the economies of developing countries. He also recalled that the urgent need for a new international order shows itself in the right to the sea.

Concretely, it means we need to use the sea as a tie and as a pole of economic balance between North and South.

It is a major undertaking, which--according to the Ivory Coast minister--must be led with scrupulous respect for interests of the entire international community, with close and trustful cooperation between North and South. Thus no definite strategy can be proposed; only common solutions can be looked for at the level of regional and international cooperation. Solutions must be sought in mutual trust and respect of the reciprocal interest between nations possessing technology and nations wishing to obtain it.

On the other hand, Ba--speaking for Diawara, president of the "Dakar Club" and former minister of the plan for Ivory Coast--declared that the "Dakar Club" intends to develop a dialog in Bordeaux, without excluding the most crucial problems, among which he listed maritime conferences and various aspects of evolving rights to the sea.

It is necessary to reach a synthesis and this comes about through the face-to-face confrontation of viewpoints.

Finally, Michel Habib Delonde, former minister, president of the French Arab Chamber of Commerce, underlined the importance of participation among Arab countries in the Bordeaux conference, because Arab countries are in a key position between developing countries and industrialized countries. It is desirable that the dialog between Arab countries and the EEC find a new occasion to progress in Bordeaux.

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BRIEFS

NEW TUNA WAR STARTING--Mexico City, 15 Dec (PL)--The business magazine EXPANSION has stated here that the U.S. decision to prohibit the entrance of certain Canadian tuna exports is the beginning of a new tuna war that will involve Mexico, Costa Rica, Ecuador and Peru. The magazine, which usually expresses the opinion of the heads of Mexico's big private companies, recalled that the U.S. refusal to accept the 200-mile sea limit created serious conflicts with Ecuador and Peru. It added that in 1972 the United States suspended credits to Costa Rica in reprisal. EXPANSION indicated that Peru has been subjected to U.S. restrictions on tuna purchases since May due to the Peruvian Navy's seizure of U.S. fishing boats violating its maritime sovereignty. The U.S. measures on Canadian tuna will undoubtedly have serious consequences. These restrictions have also been applied because of the seizure of U.S. fishing boats operating without permits in Canada's territorial sea. [Text] [PA161643 Havana PRELA in Spanish 2120 GMT 15 Dec 79 PA]

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INTER-ASIAN AFFAIRS

BRIEFS

ROK CRAB CATCHING--Japan will soon take diplomatic steps to urge South Korean fishermen to refrain from reckless crab catching near Japanese waters in the Sea of Japan off Honshu and Hokkaido Islands, Kabun Muto, minister of agriculture, forestry and fisheries said Tuesday. Answering a question by Liberal-Democratic Dietman Minoru Ueda at Tuesday's session of the House of Councillors Budget Committee, Muto said he would have his ministry officials take up this issue for deliberation at next year's Japan-South Korea Fishery consultation meeting. Muto admitted that indiscriminate catching of crabs by South Korean fishermen aboard a fleet of big-scale trawlers was often becoming a hot issue at various places in those prefectures facing the Japan sea coasts. The South Korean Government informed Japan last weekend that South Korean fishermen will voluntarily curb fishing off Hokkaido. The Korean concessions were made in the wake of a Japanese protest over an estimated 600 million yen in damage done by South Korean fishermen to Japanese fishing nets and other gear. [Text] [OW070145 Tokyo THE JAPAN TIMES in English 6 Dec 79 p 7 OW]

JOINT FISHERIES WITH CHINA--The Seiyō Fisheries Company has signed a contract with China's South Sea Aquatic Products Corporation for a 1-year experimental joint fishing program in waters of Guangdong Province. Under the contract, two 145-ton Japanese trawlers, which are already in the coastal waters off Guangdong with 23 Japanese and 6 Chinese fishermen aboard, will catch hairtail, sea bream, pomfret and other fish for shipment to Japan. During the 1-year period, the two fishing boats will be charged \$50,000 for fishing in Chinese waters. The contract also provides that the six Chinese fishermen will be trained through the joint fishery operations. Much attention is now being paid to this project because its success will affect a more extensive joint program between 5 Chinese corporations in Guangdong Province and Japan's Marubeni-Takarasachi Company for the modernization of Guangdong's fisheries, on which both sides have already signed a protocol. [Tokyo NIHON KEIZAI SHIMBUN in Japanese 29 Dec 79 morning edition p 3 OW]

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TAIWAN

ECONOMIC MISSION TOURING SOUTH PACIFIC

Tokyo JIJI PRESS in English no time given 12 Jan 80 OW

[Text] Tokyo, 12 Jan (JIJI PRESS)--A Taiwan economic mission of 19 members is touring island countries in South Pacific for a long period of 40 days to seek the establishment of new markets, to purchase industrial raw materials, and to arrange fishery agreement after the claim of 200-mile economic zones by some of them, according to a PANA report from Taipei.

The mission, leaving Taipei last Dec. 23 and consisting of representatives from official and private quarters, will visit such countries and areas as Papua New Guinea, Solomon Islands, Micronesia, Marshall Islands, Palau Islands, Tuvalu, Tonga, Nauru, and Fiji. Chang Hsiun-shwen, vice minister of economic affairs, is leader of the mission.

The move to seek new markets is natural as Taiwan has opened trade with communist countries in East Europe for same purpose. Many of Taiwan's products, including textiles, electronics and machinery tools, can be exported to the island countries in South Pacific.

In purchasing industrial raw materials, Taiwan has recently signed a technical cooperation agreement with the Marshall Islands for joint exploration of oil and phosphorous ores.

The agreement was signed in Taipei on Aug. 13 during the visit of Tong A. de Brum, foreign minister of the Marshall Islands which will become independent from a trust territory of the United States in 1981. Under the agreement, Taiwan also will dispatch a technical mission to Marshall to help develop agriculture.

In arrangement of fishery agreement, Taiwan signed a pact with the Palau Islands on Sept. 6. The fishery agreement was signed in Taipei between Chen Tung-hai, president of the Taiwan Fishery Association, and the visiting Roman Tmetuchl, chairman of the Marine Department of Palau.

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Under the agreement, some 130 Taiwan fishing boats are allowed to operate off the Palau Islands, while a similar number of fishing boats from Palau may operate off the coast of Kaohsiung, Tungking and Shaoliuchiu of southern Taiwan.

Currently under the trusteeship of the U.S., the Palau Islands has announced a 200-mile economic zone following the pattern of Australia and the Philippines.

In this connection, Taiwan signed a fishery cooperation pact with Australia on Nov. 6 but failed to reach any agreement with the Philippines.

To counter against the move taken by the Philippines, Taiwan has dispatched its navy to cruise in the Bashee Channel to protect its fishermen. Consequently, no more Taiwan fishing boats have been seized by the Philippines.

Taiwan maintains diplomatic relations with some island nations in South Pacific, including the Kingdom of Tonga and the Republic of Nauru.

King Taufa-ahau Tupou IV and Queen Halaevalu Matal'aho of Tonga visited Taiwan in October 1978. President Hammer Deroburt of Nauri visited Taiwan twice in March and September the same year. As a result of their visits, Taiwan has established fishing bases in the two island countries.

Two months ago, Taiwan extended diplomatic recognition to another island nation of Tuvalu in South Pacific.

In Fiji, which has established diplomatic relations with the Chinese communists, Taiwan operates there a large commercial office handling trade and fishery affairs.

Under an agricultural technical cooperation pact signed in March 1978, Taiwan has dispatched an agricultural mission to Fiji, working in the area of Vanua Leye, mainly for demonstration of farming techniques.

A number of high-ranking Fiji officials have visited Taiwan, including Jonati Mayoa, minister of urban development and housing, and M. Satyanand, minister of labor.

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END